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Via ECF

Honorable Joseph A. Dickson, U.S.M.J.
United States District Court
50 Walnut Street
Newark, New Jersey 07102

Re: *Neale v. Volvo Cars of N. Am., LLC et al.*, No.: 2:10-cv-4407-MCA-JAD

Dear Judge Dickson:

Along with my co-counsel, I represent the Plaintiffs in this case. Pursuant to the Court's Order of March 31, Plaintiffs hereby submit an update as to the status of the outstanding discovery subpoenas as well as a proposed briefing schedule for a new class certification motion solely addressing the numerosity issue.

In our last letter dated March 16 (Dkt. 488), we indicated that in response to Plaintiffs' subpoena Experian had indicated that it was contractually permitted to produce the requested data regarding New Jersey and Florida vehicles, but wanted to discuss those issues with Court on the March 31 status call prior to agreeing to do so. After obtaining the necessary clarification from the Court, Experian agreed to produce the requested data regarding New Jersey and Florida vehicles and has advised that it expects to produce that data by the close of business today.

However, because Experian alleged that it was not contractually permitted to produce the requested information regarding California and Massachusetts vehicles, Plaintiffs' counsel sought those records directly from the California DMV and Massachusetts RMV (collectively the "DMVs"). On February 7, Plaintiffs' served subpoenas upon the DMVs pursuant to Federal Rule of Civil Procedure 45. The subpoenas include a single request for certain class member vehicle registration data tied to VINs for Class Vehicles. Since that time, Plaintiffs' counsel have made significant progress with respect to the DMV subpoenas as noted below, but request an additional 30 days to obtain the necessary data in light of the COVID-19 pandemic restricting the DMVs' operations.

Plaintiffs have been working cooperatively with counsel for the Massachusetts RMV, which has agreed to comply with the subpoena. On April 16, counsel for the Massachusetts RMV made a production of the requested vehicle registration data in response to Plaintiffs'

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subpoena. Some of the data fields and data in the produced spreadsheet require additional clarification and de-duplication, which Plaintiffs promptly requested. Counsel for the RMV has indicated that due to the pandemic, the RMV offices are experiencing a slow-down on work due to strained resources and backlog. Nevertheless, Plaintiffs' counsel and counsel for the RMV continue to work cooperatively, and Plaintiffs are optimistic that full compliance with the RMV subpoena will be obtained in the coming weeks.

Plaintiffs have also made much headway in obtaining data from the California DMV but request additional time in order to finalize the same. We are working closely with the Legal Affairs Division of the California DMV ("Legal Affairs"), and per their instruction, have submitted a commercial requestor account application to obtain available data related to each VIN number. We understand that the application is awaiting processing (and has been for over a month), and is expected to be approved within the next two weeks. Once approved, Legal Affairs has represented that Plaintiffs will be provided access to certain information associated with the California vehicles.

As discussed above, Plaintiffs have made significant progress and expect to be in possession of all responsive data in the next few weeks, but we request an additional 30 days for this matter in the event that the DMVs continue to experience delay due to limited operations during the pandemic. Once the subpoenaed DMV information is received it will then be provided to JND Legal Administration, who will compare the information received from Experian/DMVs to the data received directly from Volvo and will determine the number of putative class members.

Based upon the foregoing, Plaintiffs propose the following schedule:

Case Schedule	Current Date	Proposed Date
Deadline to obtain Experian and DMV data	May 15, 2020	June 15, 2020
Deadline to File Motion for Class Certification on Numerosity	April 30, 2020	July 15, 2020
Deadline for Defendant's Response to Class Certification Motion on Numerosity	None Set	August 14, 2020
Deadline to File Reply In Support of Motion for Class Certification on Numerosity	None Set	September 14, 2020
Hearing on Motion for Class Certification	None Set	To be set by Court

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We are available at the Court's convenience to discuss these matters.

Respectfully submitted,

/s/ Matthew R. Mendelsohn

MATTHEW R. MENDELSON

cc: All Counsel (via ECF)
Jennifer Sun, Esq. (counsel for Experian via email)